

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

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DAVID F. SCHWARTZ, et al.,  
Plaintiffs,

- against -

METROPOLITAN PROPERTY  
AND CASUALTY INSURANCE CO.,  
Defendant.  
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**ORDER**

CV 04-4614 (ADS) (JO)

**JAMES ORENSTEIN, Magistrate Judge:**

By letter dated September 9, 2005, plaintiffs seek a 30-day extension of the discovery deadline of September 12, 2005. The application was made by fax, and was not filed electronically, in violation of Administrative Order 2004-08 and also in violation of Paragraph VII of the Case Management and Scheduling Order in this case, Docket Entry ("DE") 10 (the "Scheduling Order"). The application was made less than 30 days before the scheduled close of discovery and states no extraordinary circumstances. Accordingly, pursuant to Paragraph V of the Scheduling Order, the application is denied. Further, in response to the application, the defendant seeks an order precluding the plaintiffs from offering testimony to support their claims and striking the complaint pursuant to Rule 37(b)(2)(B)-(C) based upon their discovery failures. Counsel for the plaintiffs is directed to respond to that request in writing, with a letter that fully complies with Rule III.A of my Individual Rules, no later than September 15, 2005.

**SO ORDERED.**

Dated: Central Islip, New York  
September 12, 2005

/s/ James Orenstein  
JAMES ORENSTEIN  
U.S. Magistrate Judge